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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/783,288

02/15/2001

Michael D. Leshner

LESHNER I

2659

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7590

06/08/2004

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EXAMINER

JAMAL, ALEXANDER

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/08/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/783,288

Applicant(s)

LESHNER ET AL.

Examiner

Alexander Jamal

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2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8-10 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. **Claim 2** objected to because of the following informalities: In Claim 2, line 7 'if' should be changed to 'of'. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,9,10**, rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (6728546).

As per **claim 1**, Peterson discloses an interface between a telephone and the voice input/output devices (sound device) on a computer (Col 2 line 60 to Col 3 line 15) to enable internet-telephony. The interface comprises an echo suppressing electronic component and hybrid circuit 42 between the telephone and voice in/out of the computer (Fig. 4 Col 9 lines 1-23). The echo canceller and hybrid (by definition) minimizes signal transmission between the input and output channels.

As per **claim 9**, Peterson's interface allows the computer to place a call by a regular, circuit-switched connection from the telephone via base unit 40 (Col 8 lines 20-58). Examiner takes official notice that it is well known in the art that regular, circuit switched telephones use DTMF dialing signals as they are an accepted standard.

As per **claim 10**, Peterson's system provides an interface between a telephone (handset) and a computer that may be used for IP or circuit-switched telephony. As such, computer software for generating voice messages to be played through the phone is inherent to the computer for the purpose of allowing the proper use of the telephone function (ie. send and receive audio signals).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (6728546).

As per **claim 8**, Peterson discloses that the PC sound card comprises additional speakers 14A,14B (Fig. 1A, Col 5 lines 59-63). Additionally, the examiner takes official notice that it is well known in the art that computer sound cards comprise microphones for the purpose of allowing the user to send audio information to the computer via the sound card. Peterson also discloses that the speakers may be deactivated when the

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telephone communication mode is selected (off-hook) (Col 7 lines 8-15). As such, the speakers inherently comprise switching means to connect the speakers back to the sound card (reactivate the speakers). However, Peterson does not disclose that a microphone is also deactivated during an off-hook mode and reactivated (switched back to the sound card) again during an on-hook mode.

It would have been obvious to one of ordinary skill in the art at the time of this application to also deactivate (during off-hook) and reactivate (during on-hook) the sound card microphone (as Peterson does with the sound card speakers) for the purpose of allowing a user to make a telephone call with the minimum amount of interference from other sources (such as audio signals picked up by the microphone).

***Allowable Subject Matter***

6. **Claims 2-7** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ

May 25, 2004



CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600